

DAM



CENTER for BIOLOGICAL DIVERSITY

RECEIVED

February 28, 2011

MAR - 2 2011

RWQCB-CVR  
FRESNO, CALIF.

Debra Mahnke  
CVRWQCB  
1685 E. Street  
Fresno, CA 93706  
dmahnke@waterboards.ca.gov

RE: Order No. R5-2011-XXXX, Waste Discharge Requirements for Tejon Mountain Village, LLC, Tejon Mountain Village, Kern County

Dear Ms. Mahnke:

Thank you for this opportunity to provide comments on the proposed Order setting Waste Discharge Requirements (WDR's) for Tejon Mountain Village (R5-2011-XXXX), issued by the CVRWQCB on January 28, 2011 for consideration at the April 6, 2011 Board Meeting.

The following comments are submitted on behalf of the Center for Biological Diversity, and broadly assert: (1) the proposed WDR's do not acknowledge water quality problems with Castac Lake, and do not protect beneficial uses for Castac Lake and Grapevine Creek, and (2) the WDR's will not prevent stormwater events from causing overflows of toxic waters into Grapevine Creek, a jurisdictional water of the state.

Given the toxic elements in Castac Lake and the documented flooding events into Grapevine Creek, both issues should be addressed here in the present WDR's, and the public should be permitted to review and comment on the Stormwater Pollution Prevention Plan (SWPPP). Because these WDR's are limited to the construction period, we also request the CVRWQCB to issue non-construction, ongoing WDR's and SWPPP's to remedy the above on a permanent basis, per Criteria No. 13 of the proposed WDR's.

Since 2009, members of the Tri-County Watchdogs have alerted the CVRWQCB to ongoing depletion of groundwater and water quality impacts to Castac Lake and Grapevine Creek caused by the TMV development. (See Attachment A.) In fact, the Central Valley board itself has commented on the poor water quality in the lake. (See Attachment B.) The proposed WDR's do not address these apparent violations, nor do they make an attempt to provide any remedy. The Board should address these serious water quality concerns, both in these proposed WDR's and through discrete enforcement actions. Specific comments follow:

(P.2) ("Castac Lake Watershed")

The proposed WDR Order mischaracterizes Castac Lake an "alkali lake," and implicitly a permanent lake, when Castac is in fact a seasonal water, frequently dry in its history, and

maintained at its current year-round level since 2001 through extensive groundwater pumping by Tejon Ranch.

(P.4) The proposed WDR Order "does not regulate discharges from the proposed Project [ ...] ongoing stormwater discharges."

Grapevine creek does not appear to be protected in these WDR's from stormwater events causing discharges from Castac Lake. In view of recent flooding events, causing discharges from Castac Lake into Grapevine Creek in February, 2001 and March, 2005, please identify (1) how these WDR's (and SWPPP) specifically protect Grapevine Creek during the construction and post-construction periods from such events; and (2) whether and how the post-construction WDR's will protect the same.

The WDR's suggest that the only protection from such flooding events may be provided by the SWPPP, but it is impossible to tell from these WDR's whether this is so because the SWPPP is not part of the documents. There should be an opportunity for the public to review and comment on the SWPPP prior to its approval. Please indicate what measures in the SWPPP will prevent such occurrences. According to the WDR's, the SWPPP is required to be submitted at least "60 prior" to breaking ground (page 19); please confirm this is a typo and requires 60 days prior notice.

(p.8)

The WDR's inappropriately approve the TMV Specific Plan's Water Quality and Hydromodification Technical Report. (See also p.19, No. (F)5) No discussion is present in these WDR's of the details of the technical report, or what components thereof are "approved for the purposes of this order," (§28) making it impossible for the public to know what is contained in the Report, or what was approved (for the order or otherwise). This so-called "Technical Report" may contain disputed water quality information, but there is no way of knowing this without including the Report's findings. Please explain what parts of the Technical Report were approved and how the Board evaluated the information contained therein.

(p.8)

Page III-3 of the Tulare Lake Basin Plan states that waters "shall not contain chemical constituents in concentrations that adversely affect beneficial uses." The proposed WDR Order does not appear to protect contact recreation as a beneficial use for Castac Lake. This beneficial use is required due to Castac Lake's classification by the Board as a "westside stream." Presently, Castac Lake may not meet the narrative water quality standard for toxicity for the contact recreation beneficial use, as the applicant/developer has unilaterally prohibited contact recreation. In the Tejon Mountain Village CEQA documents, the developer/applicant affirmatively claims a prohibition on contact recreation for Castac Lake, apparently due to unsafe levels of toxic constituents, including arsenic. CVRWQCB criticized this action by the developer in its comments on the EIR. (Attachment B.)

In 2003, Andrew Komor of Pacific Advanced Civil Engineering (the Applicant's own consultant) presented information in a report entitled "Monitoring Modeling and Management of a 400 Year-Old Natural Lake" which revealed high concentrations of aluminum (300 ppb), zinc (100 ppb) and arsenic (> 100 ppb) and manganese (> 150 ppb). (TCW Letter, Attachment C.) It is the responsibility of the applicant to provide such critical information to the Water Board, and the Board should explain whether it had the opportunity to review this report's data, which was in the possession of the applicant. It is clear from these findings that Castac Lake may violate the narrative water quality standards for toxicity and the numerical standards in the federal MCL's for arsenic, in contravention of Basin Plan. In addition, the lake currently requires mechanical oxygenation to avoid deleterious DO levels, though it is unclear whether such oxygenation allows Castac Lake to meet the numerical water quality standard present in the Basin Plan and proposed WDR Order. The lake is maintained far beyond its original footprint and currently engulfs the Native American village of Kashtiq, the lake's namesake. Please clarify whether Castac Lake meets the current standards for toxicity and DO and whether this WDR is protective of all beneficial uses in light of this information.

Please explain how contact recreation is to be protected as a beneficial use in Castac Lake, and whether and how the developer/applicant may unilaterally declare Castac Lake as exempted from the contact water sport beneficial use criteria without securing an appropriate basin plan amendment.

(p.8) The WDR's do not appear to protect against a stormwater event causing overflows from Castac Lake to discharge into Grapevine Creek, a jurisdictional water of the state. Such flooding events have occurred since the applicant began artificially maintaining the level of Castac Lake through groundwater pumping in 2001.

California State Parks, the Kern County Engineering and Survey Services, and the CVRWQCB itself all raised the likelihood of such events in its comments on the EIR for the project. (See Attachments B, C, D and E).

In its comments on the Project DEIR (Attachment B), the CVRWQCB wrote:

"The decreased storage capacity associated with maintaining the lake surface elevation combined with increased runoff from impermeable surfaces, synchronized tributary flow peaks, and other development-related stormwater issues increase the flooding potential of the basin. Groundwater pumping to unnaturally maintain the lake level may adversely affect groundwater quality and Grapevine Creek."

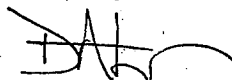
Please explain how the proposed WDR's prevent a stormwater event from discharging contaminated water from Castac Lake into Grapevine creek during construction and post-construction periods.

(p.9)

Finally, the WDR's do not appear to prevent Castac Lake overflows during stormwater events from degrading the water quality of Grapevine Creek. The CVRWQCB raised similar concerns in its comments on the DEIR for the Project. Please explain how degradation of water quality in Grapevine Creek is avoided during a construction stormwater event that causes Castac Lake to discharge waters into the creek.

. Thank you for your time and consideration. Please see the attached documents for supporting documentation of the information provided herein.

Sincerely,

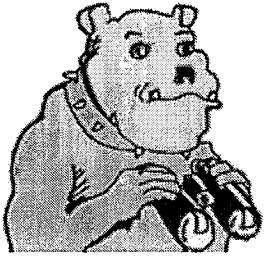


Adam Lazar

Attachments:

- A. Letter from Linda Mackay, Tri-County Watchdogs, to Sandra Meraz, Board Member, Central Valley Regional Water Quality Control Board (June 29, 2009).
- B. Comment letter from CVRWQCB to Kern County Planning Department, Re "Draft Environmental Impact Report, Tejon Mountain Village Project, Kern County, SCH#2005101018" (July 13, 2009).
- C. Comment letter from Doug Peters, Tri-County Watchdogs, to Kern County Planning Department, Re Water Quality Impacts in "Draft Environmental Impact Report, Tejon Mountain Village Project, Kern County." (July 13, 2009)
- D. Comment Letter from Kathy Weatherman, Superintendent, California State Parks, to Kern County Planning Commission, Re Draft Environmental Impact Report, Tejon Mountain Village, Kern County (July 13, 2009).
- E. Comment letters from Aaron Leicht, Kern County Engineering and Survey Services Department, to Kern County Planning Department (July 15, 2009).

# EXHIBIT “A”



# TriCounty Watchdogs

*...protecting mountain resources and communities  
in Kern, Los Angeles, and Ventura Counties.*

Sandra Meraz  
Central Valley RWQCB

**Date 6/29/09**

Dear Sandra,

TCW  
P.O. Box 2458  
Frazier Park  
California 93225  
[tcwdogs@frazmtn.com](mailto:tcwdogs@frazmtn.com)  
[www.tcwdogs.org](http://www.tcwdogs.org)

I'm writing to you in your capacity as a California Central Valley Regional Water Quality Control Board member. Since we've been friends for a long time, you're aware that I'm currently living in Lebec, California. I understand that Lebec is in the very southern region of the CCVRWQCB's boundaries.

I am currently the president of a local environmental community organization called The TriCounty Watchdogs (TCW). TCW has members from, and concerns involving, the communities in the south/west portion of Kern County (Lebec, Frazier Park, Lake of the Woods, Pinon Pines and Pine Mountain Club) - the north/west corner of Los Angeles County (Gorman and Neenach) and the north/east corner of Ventura County (Lockwood Valley). All of our mountain communities are in close proximity to the Grapevine portion of Interstate 5. Our communities of concern are all unincorporated and, as you well know, unincorporated regions often have a great deal of difficulty getting the appropriate attention they need from their government representatives.

The reason I am writing you today is because TCW has a specific concern in the community of Lebec that involves water that we feel is putting the health and well being of the residents in our region at risk. We also believe that no governmental agency or representative body is taking the proper steps to protect the interests of the people who are being impacted by these current activities.

The area of concern that I refer to is on Tejon Ranch property. As you may be fully aware, Tejon Ranch owns a great deal of property in my region. Tejon Ranch has various development plans on their property. The development plan that involves the concern of this letter is around the Castac lake in Lebec. Castac lake has been a streambed runoff catch basin for our

# TriCounty Watchdogs

*...protecting mountain resources and communities  
in Kern, Los Angeles, and Ventura Counties.*

region. Naturally, Castac was a seasonal lake that was often no more than a marshy swamp area that supplied a thriving environment for wetland wildlife. But in the last few years, Tejon Ranch has been using groundwater to keep the lake full year round. The reason they have been artificially maintaining the lake's capacity is because the ranch has been in the process of developing plans for a luxury housing development to be built around the lake. Our community members have heard reports that the lake has been dredged to reduce it's salinity and to enlarge its capacity. Also we understand that it is being aerated and manipulated in other ways to maintain it's aesthetic value for future sales of the planned homes. TriCounty Watchdogs and other community members are concerned about the volume of groundwater that is being used by Tejon Ranch to maintain Castac Lake artificially. We fear that Tejon Ranch is using a great deal of groundwater to compensate for the loss of water through evaporation and also to flush through the lake to keep it in a state of viability. Naturally this lake was known as a "soda-lake" and the unnatural manipulation has totally changed its ecological nature. The lake and the wells that are used to maintain the artificial elevation of the lake are all under the Tejon-Castac Water District. Tejon Ranch executives make-up the board of the Tejon-Castac Water District. The implications of how the groundwater is being used to turn what would naturally be an ephemeral lake into a permanent lake (for the purpose of financial gain) and Tejon Ranch executives controlling the water district board seems like a real conflict of interests to many local residents.

Recently, Tejon Ranch released the Draft Environmental Impact Report (DEIR) for the luxury housing development that I referred to earlier. This development includes approximately 3500 housing units, two golf courses and a commercial area. This development is called Tejon Mountain Village (TMV). Tejon Ranch has stated that there will be no groundwater used for the development. The houses, golf course and stores etc will use the Ranch's rights to utilize water from the Kern County and Antelope Valley water banks. Tejon claims that the lake is not part of the development and they have excluded it from the DEIR for TMV; although the lake was included in the project's earlier Notice of Preparation (NOP). The TriCounty Watchdogs and other community members believe that Tejon Ranch's claim that Castac Lake is not part of the project is a dishonest tactic that they are using to reduce environmental review and expedite the process of approval to build the large housing project. As I mentioned, the

TCW  
P.O. Box 2458  
Frazier Park  
California 93225  
[tcwdogs@frazmtn.com](mailto:tcwdogs@frazmtn.com)  
[www.tcwdogs.org](http://www.tcwdogs.org)

# TriCounty Watchdogs

*...protecting mountain resources and communities  
in Kern, Los Angeles, and Ventura Counties.*

lake was previously included as part of the project in the earlier released NOP, and the lake was also touted as a recreational benefit to the TMV project in promotional materials that Tejon Ranch circulated in the past. The project is obviously built to surround the lake to make the lake a focal point of the project as you can see in the attachment to this letter in figure 3-8 from the TMV DEIR.

Our mountain communities are completely dependent on groundwater for our drinking and home use. Many of us in the region are concerned that the water Tejon Ranch is pulling from our local aquifer to maintain the lake could be threatening our own wells, especially in this time of long term drought. This huge draw from the local aquifer could not only impact the quantity of groundwater in our region, but also the quality.

Other concerns involving the lake and its artificial state, is that the lake can no longer serve as a catch basin for run off. In 2005 there was a large flood downstream from the lake that caused thousands of dollars worth of damage to property at the Fort Tejon State Park, our local middle school in Lebec (school children actually had to be sent home early from school one day in the middle of the flooding) and to local county roads downstream from the lake. Many of us are convinced that this event would not have happened if the lake had been in its natural state and had been able to take in all of the runoff water. The TriCounty Watchdogs and others are convinced it's very likely this kind of incident will happen periodically. How can such a large corporation like Tejon Ranch alter the natural water flow in a region and create such a dangerous situation for the neighboring residents without any consequences or review?

The TriCounty Watchdogs also believe that the water quality of the lake has been compromised as has the water quality of Grapevine creek, which is downstream from the lake. The TMV DEIR shows very poor water quality in Grapevine Creek near the lake, with improvement at sampling sites farther away as it mixes with other sources. It seems to us that someone in an official capacity should be aware of all that is happening in the manipulation of this relatively large body of water.

Sandra, I'm writing you this letter asking for you to help us if you possibly can. We need for the Central Valley Regional Water Board to investigate

TCW  
P.O. Box 2458  
Frazier Park  
California 93225  
[tcwdogs@frazmtn.com](mailto:tcwdogs@frazmtn.com)  
[www.tcwdogs.org](http://www.tcwdogs.org)



# TriCounty Watchdogs

*...protecting mountain resources and communities  
in Kern, Los Angeles, and Ventura Counties.*

the Castac Lake situation. We need a formal investigation into what is happening with our local water supply.

I appreciate your serious commitment to protecting the interests of the ordinary people who are so very dependent on the various agencies who oversee the water we too often take for granted. I hope you will forward this letter to your colleagues and the staff of your board and you and the other representatives will investigate our concern.

I look forward to hearing from you on this matter.

Sincerely,

Linda MacKay, President  
TriCounty Watchdogs

TCW  
P.O. Box 2458  
Frazier Park  
California 93225  
[tcwdogs@frazmtn.com](mailto:tcwdogs@frazmtn.com)  
[www.tcwdogs.org](http://www.tcwdogs.org)

# EXHIBIT “B”



Linda S. Adams  
Secretary for  
Environmental  
Protection

## California Regional Water Quality Control Board Central Valley Region

Karl E. Longley, ScD, P.E., Chair

1685 E Street, Fresno, California 93706  
(559) 445-5116 • Fax (559) 445-5910  
<http://www.waterboards.ca.gov/centralvalley>



Arnold  
Schwarzenegger  
Governor

13 July 2009

Mr. Craig Murphy  
Kern County Planning Department  
2700 M Street, Suite 100  
Bakersfield, CA 93243

### **DRAFT ENVIRONMENTAL IMPACT REPORT, TEJON MOUNTAIN VILLAGE PROJECT, KERN COUNTY, SCH#2005101018**

Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) staff reviewed the Water Quality section of the *Draft Environmental Impact Report* (draft EIR) for the proposed Tejon Mountain Village development, a project sited on more than 26,000 acres east of Interstate 5 and the community of Lebec, approximately 40 miles south of Bakersfield in Kern County. The project would include 3,450 residences, up to 160,000 square feet of commercial development, up to 750 vacation lodging units, two 18-hole golf courses, and up to 350,000 square feet of support facilities. The Tejon-Castac Water District would provide water and sewer services for the development.

The project description in the draft EIR mentions interim and permanent water and wastewater treatment facilities. However, the draft EIR does not provide any details for interim facilities.

The draft EIR describes a permanent, onsite wastewater treatment facility with fine screening, flow measurement, influent flow equalization, tertiary treatment with membrane bioreactors, ultraviolet disinfection, waste sludge dewatering, and sludge stabilization and drying in engineered greenhouses. The membrane bioreactors would provide nitrogen removal to a concentration of 10 mg/L or lower by means of an activated sludge nitrification/denitrification process. Treated effluent would be stored in about 60 acres of onsite ponds during wet months until it can be used for irrigation.

The two planned 18-hole golf courses would use a significant portion of the recycled water generated by the project. The final EIR should include a contingency plan that describes the impacts to water quality associated with alternative use or disposal of the wastewater treatment facility effluent in the event that one or both golf courses shut down or cannot receive effluent.

The draft EIR indicates that at full buildout, the project would utilize approximately 800 acre-feet of water per year to irrigate the golf course and other landscaped areas. A rough estimate of expected wastewater generation from the project suggests more than 1,000 acre-

***California Environmental Protection Agency***

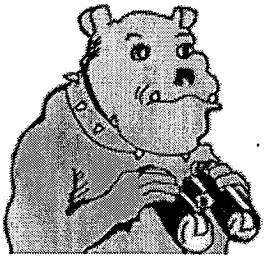
The Notice of Preparation included Castac Lake as part of the project. The project site surrounds Castac Lake, but the draft EIR specifically excludes the lake as part of the project. A significant portion of the project drains to Castac Lake. The final EIR needs to fully evaluate impacts from the project on Castac Lake and Grapevine Creek. The draft EIR states that the Tejon Ranch Company has managed the lake to maintain a consistent shoreline since about 2001 and a lake aeration system in the northeastern portion of Castac Lake controls the lake's oxygen levels. The lake level has reportedly been maintained by groundwater pumping. The decreased storage capacity associated with maintaining the lake surface elevation combined with increased runoff from impermeable surfaces, synchronized tributary flow peaks, and other development-related stormwater issues increase the flooding potential of the basin. Groundwater pumping to unnaturally maintain the lake level may adversely affect groundwater quality and Grapevine Creek. The final EIR should address potential groundwater and surface water quality impacts, particularly downgradient of the lake, resulting from maintenance of the lake shoreline, lake aeration, and any other significant lake management practices.

Mitigation Measure 4.8-31 states in relevant part:

Prior to the initiation of grading, the project shall request and receive written confirmation from the Tejon Ranch Company that swimming or other contact recreational activity shall be permanently prohibited in Castac Lake and all off-site perennial or seasonal water bodies that receive runoff from the project and that are owned by the Tejon Ranch Company. The project area Geologic Hazard Abatement District...with water quality management and compliance responsibilities shall post signs and provide educational materials to project residents and guests prohibiting contact with flowing waters in on-site drainages during and following storm events to prevent pathogen exposure.

An articulated goal of the federal Clean Water Act is that waterbodies should achieve sufficient water quality to provide, "for the protection and propagation of fish, shellfish and wildlife and provides for recreation in and on the water..." This goal is advanced by setting designated uses (known as "beneficial uses" in California) for waterbodies, and then developing water quality standards to protect these uses. Castac Lake and its tributaries are waters of the U.S., and Castac Lake, its tributaries, and Grapevine Creek are also waters of the State. These waters are "westside streams" as defined by the *Water Quality Control Plan for the Tulare Lake Basin, Second Edition* (Revised in 2004) (Basin Plan), and the beneficial uses of these waters are designated as agricultural supply, industrial service supply, industrial process supply, hydropower generation, **water contact recreation, non-contact water recreation**, warm freshwater habitat, wildlife habitat, rare, threatened, or endangered species, and groundwater recharge. These uses are designated as such because the water in these waterbodies was of sufficient quality to achieve these uses on the date when the amendments to the federal Clean Water Act took effect (November 28, 1975). These uses are existing uses that must be protected under federal and State law. Proscription of uses, as described in Mitigation Measure 4.8-31, is not protective of the uses. The draft EIR should include mitigation measures that ensure project activities do not adversely impact any of the designated beneficial uses of Castac Lake, its tributaries, and Grapevine Creek. Mitigation Measure 4.8-31 should be revised accordingly or deleted.

# EXHIBIT “C”



# TriCounty Watchdogs

*...protecting mountain resources and communities  
in Kern, Los Angeles, and Ventura Counties.*

Craig Murphy, Supervising Planner  
Kern County Planning Department  
700 "M" Street., Suite 100  
Bakersfield, CA 93301-2370

Date 7/13/09

TCW  
1667 Steinhoff Rd  
Frazier Park  
California 93225  
[cwdogs@frazmtn.com](mailto:cwdogs@frazmtn.com)  
[www.tcwdogs.org](http://www.tcwdogs.org)

Dear Mr. Murphy,

I am a resident of the Frazier Park area and have serious concerns about the lake portion of the Tejon Mountain Village project

The modification of Castac Lake for the Tejon Mountain Village development is a major alteration of the natural environment and therefore must be analyzed in the DEIR. Without an analysis of the environmental impact of the Castac Lake modification the DEIR is incomplete and therefore fatally flawed.

After listing the lake as part of the project in the notice of preparation of the draft environmental impact report, the project proponents subsequently removed the lake and claimed that it is no longer a part of the project.

Clearly, not only is the lake a part of the project, it is the centerpiece of the project. In fact, the principal recreational and commercial components of the development encircle the lake and are immediately adjacent to it. Please refer to Figure 1-3 in the DEIR.

Tejon Ranch Company president, Bob Stine, introduced the Tejon Mountain Village project to local residents at a community meeting at Frazier Mountain High School in December of 2003. As Mr. Stine began his remarks on TMV he immediately started talking about the lake and the cost and difficulties of modifying it, and its importance to the project.

Here is what Mr. Stine said:

# TriCounty Watchdogs

*...protecting mountain resources and communities  
in Kern, Los Angeles, and Ventura Counties.*

*"Tejon Mountain Village is the name that we're calling this third concept, Tejon Mountain Village. And it's generally the area near Castac Lake, in an area somewhere in this range. [He points to a map] There is one main road that goes in next to the lake that was built by the Department of Water Resources when the aqueduct was built back in the late '60s, '70, when it opened, so we have a main, primary artery going through. It is the only paved road inside the ranch.*

*And the planning area is in this area right here. The concept is a boutique, hotel, resort hotel, golf course, estate lots, some activity around the lake. Low, low impact on the lake. Kayak, canoe, no motors. You gotta windsurf, no motors. No gasoline engines. The lake is very, very sensitive.*

*Those of you who have lived here for a while know that back in '90 and '91, the lake went dry. In the past five years we have spent nearly a million dollars in the lake. You might say, "What the hell are they thinking?" We have spent a lot of money- we have had hydrologists, limnologists, ologists that I can't even pronounce helping us to understand the source of the water, the inflow, the outflow, the depth, the quality of the water.*

*Sometimes in the end of the summer it gets so alkaline that the bass turn upside down and we're losing them. We've put in an aeration system in the last couple of years. We started it in one corner to see if we could really oxygenate and take care of and protect the lake. It's been far more successful than we thought it would be, and so we've actually expanded that a little bit, working with various biology people and the appropriate state resources in terms of permits, to make sure that the lake not only gets better all the time, but that the son of a gun doesn't go dry and just be an alkaline, ugly spot. So, it's an important part of that component."*

So, clearly, in TRC's own words, the lake is a part of the project. A video of this presentation can be viewed at

<http://www.youtube.com/watch?v=10gPLuhTbeY>.

## The Natural Condition

Castac Lake in its natural condition is an ephemeral saline sag pond. It filled to a certain degree each year from runoff and direct precipitation and then evapo-

TCW  
1667 Steinhoff Rd  
Frazier Park  
California 93225  
[cwdogs@frazmtn.com](mailto:cwdogs@frazmtn.com)  
[www.tcwdogs.org](http://www.tcwdogs.org)

# TriCounty Watchdogs

*...protecting mountain resources and communities  
in Kern, Los Angeles, and Ventura Counties.*

rated. In years of very high rainfall the lake could fill completely and spill over to Grapevine Creek. These are rare events. Many years the lake goes to complete or near-complete dryness leaving the salts behind.

The natural condition is well documented. For example,

From: William P. Blake, Geological Report,  
In: Reports of Explorations and Surveys  
to Ascertain the Most Practical and Economical Route  
for a Railroad from the Mississippi River to the Pacific Ocean  
Made under the Directions of the Secretary of War, 1853-4  
Volume V, Washington D.C., 1857

TCW  
1667 Steinhoff Rd  
Frazier Park  
California 93225  
[cwdogs@frazmtn.com](mailto:cwdogs@frazmtn.com)  
[www.tcwdogs.org](http://www.tcwdogs.org)

Mr. Blake wrote on September 30, 1853, on p. 47-48 of his report,

*"Salt pond, or Casteca Lake (dry). — At the eastern end of the grassy plain the pass deflects towards the south for a short distance, and then again extends east and west. A narrow path or trail, however, extends over the hills in a more direct line, and passes by the dry bed of a small lake or pond whitened by a solid incrustation of salt. This salt had evidently been left by the evaporation of water, which probably collects there to a depth of several feet during the rainy season. The salt forms a perfectly white crust, in some places two or three inches thick. It looks like a snow-field, and bears a strong contrast with the dark green foliage of the oak timber growing near the shore. The winds, as they course along over this smooth unobstructed surface of salt, loosen large quantities and throw it into drifts, or raise it in clouds and small whirlwinds, that dance lightly from shore to shore and fill the air for a great distance to leeward of the lake, distributing it in a fine powder over the adjoining hills, and salting whole acres of vegetation.*

*This salt is probably derived from the Tertiary settlements that abound in the vicinity, and is dissolved out by the percolation of surface water and by springs. As the lake is a common receptacle for the drainage of a large surface of this formation, and has, apparently, no outlet, it is doubtless the case that this quantity of salt has been gradually accumulating; the waters becoming annually more and more highly charged, and consequently a larger quantity of salt crystallizing with each successive evaporation.*

*In this way, interior fresh water may gradually become salt, merely from the supply*



# TriCounty Watchdogs

*...protecting mountain resources and communities  
in Kern, Los Angeles, and Ventura Counties.*

*received from the strata of a recent marine formation, and not necessarily from the evaporation of a large body of salt water left by a retiring ocean.*

*I found that the salt of this little lake was exceedingly bitter and nauseous; probably owing to the presence of a large proportion of chlorite of magnesium. Plants, similar to those that flourish luxuriantly on the seashore, were growing around the margin of the lake-bed. A specimen of the plant most abundant at the border of the salt is, according to Dr. Torrey, *Shoberi caleooliformis*, of the natural order of *Chenopodiaceae*. I also obtained a species of *Salicornia*, apparently *S. fructiosa*.*

*Although the lake is small and insignificant, compared with the salt lakes of the Great Basin, it is a good illustration of the formation of beds of salt."*

In more modern times, from the 1997 "Tejon Lake Hydrology Study" by Trihey and Associates:

*"Castac Lake (hereafter referred to as Tejon Lake) has historically experienced significant fluctuations in water surface elevations from year-to-year, as well as fluctuations between seasons within any given year. Interviews with long-time residents who are familiar with Tejon Lake indicate that there have been long periods when the lake as been almost "bone-dry". At other times, such as in the 1930's to the mid 1940's, the lake-level has been sufficiently high to completely submerge an airforce training plane which crashed in 1943. Beginning about 1994, Tejon Lake filled to its highest recent stand since the mid-1940's (Mr. Francis Awana, Mr. Marvin Barnes, pers. comm.) and the lake's water surface elevation has remained fairly constant to present-day."*

The natural Castac Lake is a unique, saline environment that cycles between aquatic and terrestrial habitat, depending on time the time of year and amount of rainfall in the previous rainy seasons.

## **The Unnatural Condition**

The DEIR states that, "Since 2001, the Tejon Ranch Company has maintained the lake surface at approximately 3,503 feet by discharging groundwater into the basin." In so doing the natural, ephemeral saline aquatic environment has been converted to a year round freshwater aquatic environment. The area extent of the lake has been

TCW

1667 Steinhoff Rd

Arrazier Park

California 93225

[cwdogs@frazmtn.com](mailto:cwdogs@frazmtn.com)

[www.tcwdogs.org](http://www.tcwdogs.org)

# TriCounty Watchdogs

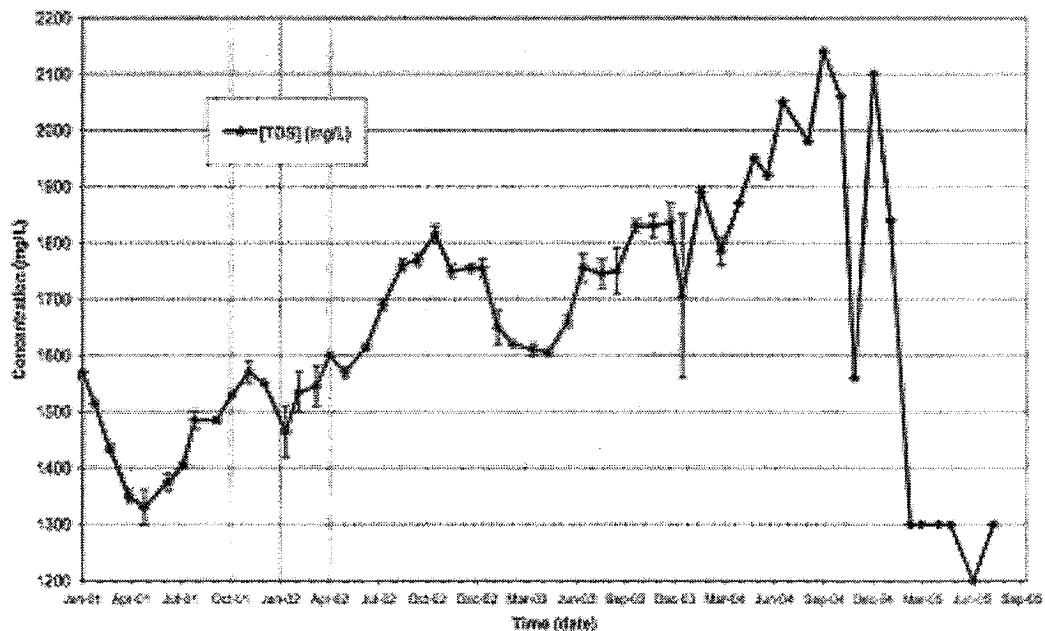
*...protecting mountain resources and communities  
in Kern, Los Angeles, and Ventura Counties.*

increased from a typical high of 250 acres to 380 acres or more. This alteration of the natural environment has numerous impacts to the environment that must be analyzed in the DEIR.

## Water Quality

It is obvious that there will be difficulty maintaining water quality in the lake through sustained periods of low rainfall. From PACE 2006, the following graph illustrates the more or less steady rise in salinity in the lake until the unusually high rainfall season of '04 – '05. From the graph, there was an estimated 38% increase in salinity from April '01 to September '04 (just three and half years). This occurred in spite of the fact that one of the winters, '02 – '03, was an above average rainfall season.

**Figure 29 - Total Dissolved Solids (TDS) Concentration versus Time for Tejon Lake**



Toxic trace elements would be expected to increase in the lake water as salinity. An extensive field study was conducted in the Castac Basin in the late 1960's. The data was published in a 1968 UCLA PhD dissertation titled, "Anomalous Distribution of Toxic Soils in the Castac Valley, California. A Study Based on Soil-Chemical Ge-

# TriCounty Watchdogs

*...protecting mountain resources and communities  
in Kern, Los Angeles, and Ventura Counties.*

ography, Geology and Geochemistry” by Edward Laskowski. This study examined the sources of toxic trace elements found in high concentrations in the Castac Lake water. Extensive soil sampling was conducted in the surrounding watersheds. The analysis showed that the source of selenium, copper, zinc, boron and manganese was the soils and parent materials surrounding the lake. He found high concentrations of these elements in rain runoff going to the lake. Dr. Laskowski also did qualitative analysis of Castac basin waters looking for the presence or absence of other elements and found that lead, molybdenum, tin and vanadium were present. Uranium is known to be present in area well water at concentrations approaching drinking water limits.

TCW  
1667 Steinhoff Rd  
Frazier Park  
California 93225  
[cwdogs@frazmtn.com](mailto:cwdogs@frazmtn.com)  
[www.tcwdogs.org](http://www.tcwdogs.org)

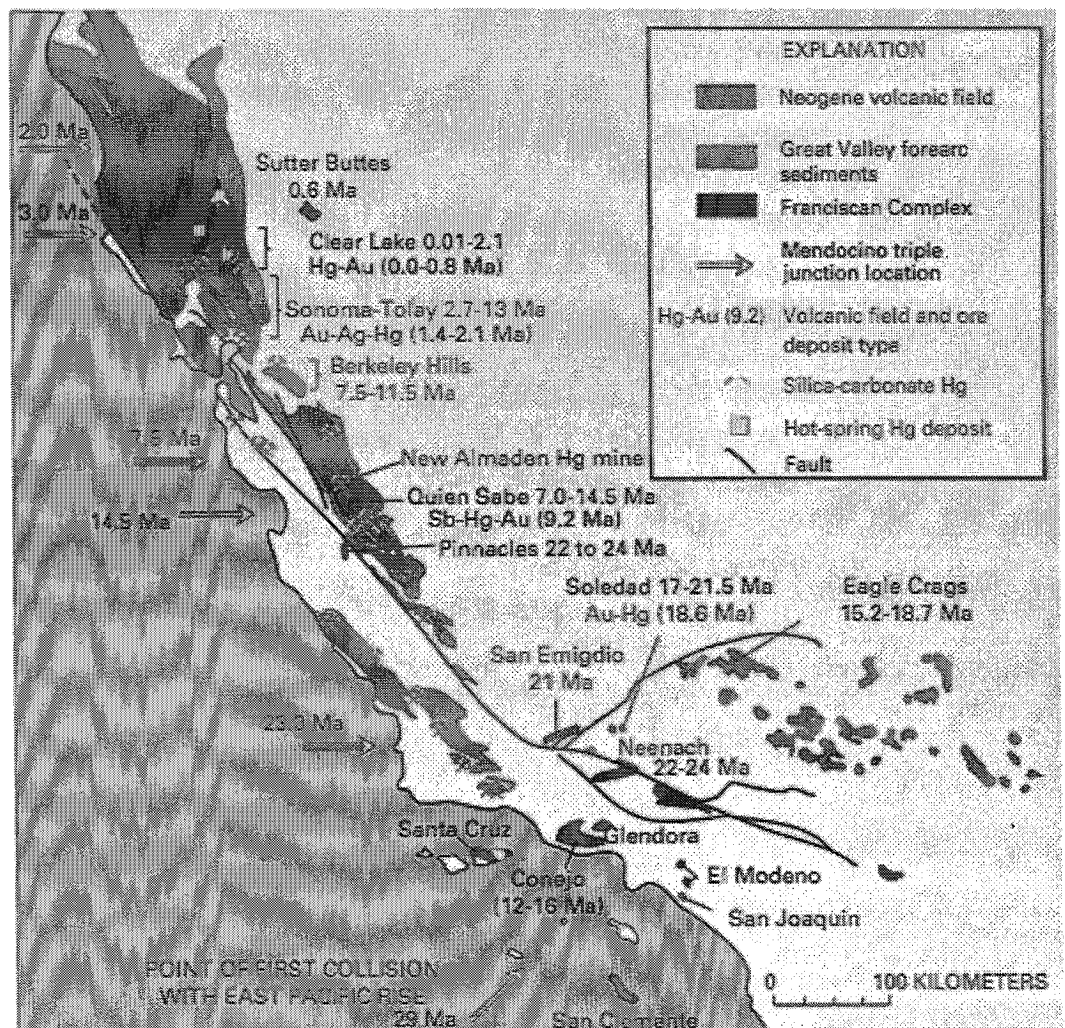


Figure 12. Mercury deposits in California mercury mineral belt. Age in Ma (million years).

# TriCounty Watchdogs

*...protecting mountain resources and communities  
in Kern, Los Angeles, and Ventura Counties.*

The USGS study, "Geologic Studies of Mercury by the U.S. Geologic Survey", shows sources of mercury in California on a map (above). The map depicts a formation in the TMV area as a neogene volcanic field and is labeled on the map "San Emigdio". The DEIR must determine the extent and mercury content of this formation and the soils formed from it, and how runoff will impact downstream water bodies. There was a Castac Lake bass tissue mercury content reported in the DEIR showing elevated levels. That sample was taken while salinity was relatively low and the lake modification had only been underway for a year. A more extensive sampling must be done while salinity is high to properly assess the bioaccumulation of mercury in the lake.

TCW  
1667 Steinhoff Rd  
Frazier Park  
California 93225  
[cwdogs@frazmtn.com](mailto:cwdogs@frazmtn.com)  
[www.tcwdogs.org](http://www.tcwdogs.org)

TRC's consultant, Andrew Komor, of Pacific Advanced Civil Engineering reported on water quality and other parameters of "Tejon Lake" in a presentation titled "Monitoring, Modeling, and Management of a 400-acre Natural Lake" given at the 2003 Headwaters-to-Ocean conference in Long Beach. Mr. Komor reported relatively high concentrations of aluminum (300ppb), zinc (100 ppb), arsenic (>100 ppb), and manganese (> 150ppb). He also reported what he termed "moderate" concentrations of selenium.

Trace elements pose unique environmental hazards. The EIR needs to look at trace elements in several ways: 1) A thorough analysis of trace element concentrations in the lake water and shallow sediments over time must be conducted. Samplings should include a multi-year drought period or simulate a multi-year drought when groundwater for lake replenishment becomes unavailable. These analyses should include all of the elements named above plus any elements of potential concern, including mercury, lead, tin, molybdenum and uranium. 2) The EIR must determine the present risk to the environment, including flora and fauna compared to the lake's natural condition. This assessment must consider numbers of wildlife at risk. The large, freshwater "Tejon Lake" is obviously more attractive to more species in higher numbers than the smaller, natural, saline Castac Lake. 3) It must be determined whether present-day or future potential toxic trace element concentrations exceed water standards for wildlife. 4) Each element of concern must be evaluated individually for its relative risk based on its chemistry, its toxicity to wildlife and known fate in aquatic ecosystems. For example, selenium is known to bioaccumulate, or concentrate as you move up the food chain. The Kesterson Wildlife Refuge was shut down due to selenium concentrating in migratory birds and causing deformities in hatchlings. 5) The EIR must include a study of tissue samples of flora and fauna found in the lake collected at

# TriCounty Watchdogs

*...protecting mountain resources and communities  
in Kern, Los Angeles, and Ventura Counties.*

the end of the wet season and at the end of the dry season to determine how the trace elements named above are affecting wildlife. Sampling should include a cross section of species through the food chain, in sufficient numbers of individual samples to be statistically valid.

Migratory birds will be attracted to the modified Castac Lake, probably in high numbers. The EIR needs to determine how the presence of potentially toxic levels of trace elements may affect migratory birds and whether the project violates the Migratory Bird Treaty. The EIR should include a plan for management of migratory birds that includes hazing or other scare tactics to prevent nesting if selenium or other toxic elements pose a risk. Elevated risk for selenium exposure in aquatic ecosystems is 5 parts per billion. U.S. Fish & Wildlife should conduct bird counts, nest counts and egg viability and tissue trace element analysis to determine present-day risks to migratory birds. And the EIR must evaluate future risk based on the analyses mentioned above.

By keeping the lake basin full, the natural flow in Grapevine Creek is altered, along with its water quality and the groundwater hydrology of the Grapevine Creek basin. It follows that the impacts on Grapevine Creek also impact the species that live there. The modified lake likely impacts the water quality of Grapevine Creek and there some evidence of this in the DEIR Appendix I, which show that water quality in Grapevine Creek is poor near the lake and improves at downstream sampling sites.

## **Increased Flood Hazard**

In its natural state the Castac basin functioned as a catchment for floodwaters from the surrounding creeks. It is important to understand how the lake modification increases the threat of flood damage down slope. Under natural conditions Castac Lake was much smaller in area and volume than the modified lake and it evaporated to varying degrees of dryness each summer. By the start of the rainy season each year the basin was only partially full or completely dry and could accept and store the flood waters from Cuddy Creek. All present downstream facilities were constructed assuming these natural conditions.

Now Tejon Ranch Company is artificially keeping the lake basin full with groundwater, so stream waters reaching the lake cause overflow, sending water directly down Grapevine Creek toward El Tejon School, Ft. Tejon State Park, and

TCW  
1667 Steinhoff Rd  
Frazier Park  
California 93225  
[cwdogs@frazmtn.com](mailto:cwdogs@frazmtn.com)  
[www.tcwdogs.org](http://www.tcwdogs.org)

# TriCounty Watchdogs

*...protecting mountain resources and communities  
in Kern, Los Angeles, and Ventura Counties.*

most importantly, Interstate 5. As a result, in high rainfall and snowmelt events flood damage will occur, as happened February 2005 at Ft. Tejon State Park. In that event Grapevine Creek undermined and scoured away a significant portion of the Ft. Tejon parking lot and inundated the park headquarters area, shutting down the park for six weeks.

The undermining damage at Ft. Tejon State Park stopped just 90 feet from Interstate Highway 5, the state's main north-south transportation conduit. Major damage to I-5 would cripple the movement of goods up and down the U.S. west coast. Because the stakes are very high, the EIR must thoroughly study the downstream surface and subsurface hydrology. It must assess the risk of flood damage to all downstream facilities and mitigate those increased risks. The project proponents must assume financial responsibility for any increased risk.

## Water Supply

The wells that now keep Castac Lake full share the same groundwater basin as the town of Lebec. By keeping the Castac basin full of water, the lake has now become the single biggest user of water in a relatively small groundwater basin and dwarfs the other users.

Tejon-Castac Water District (TCWD) is planning on using up to 3600 acre feet per year for lake-filling and other uses according to the 2003 TCWD urban water management plan. This is a volume nearly equal to or exceeding all available recharge to Cuddy Canyon, according to the Schmidt report in the Frazier Park/Lebec Specific Plan. The water will ultimately come mainly from the small, narrow Cuddy Creek stream channel aquifer, which feeds into the Castac basin.

From Stetson 2006, there cause for concern regarding the groundwater supply in Lebec:

*"The simulated storage for the worst case scenario with all future development in the Frazier Park/Lebec Area, but without TMV, would be reduced to 115,757 acre-feet in 2024, the lowest level for the simulation period, as shown in Table 5 and Plate 10. Using the water level data at Well No. 56A in 1956 and Atlantic Richfield Well in 1968, the water level of the Tejon Lake Groundwater Basin in the vicinity of these wells in 2024 is estimated at 244 feet bgs. Since no historic water levels are available for many wells in the area, it is difficult to determine the impacts of lowering the water level in*

TCW  
1667 Steinhoff Rd  
Frazier Park  
California 93225  
[cwdogs@frazmtn.com](mailto:cwdogs@frazmtn.com)  
[www.tcwdogs.org](http://www.tcwdogs.org)

# TriCounty Watchdogs

*...protecting mountain resources and communities  
in Kern, Los Angeles, and Ventura Counties.*

*the Tejon Lake Groundwater Basin to this depth. Although the aquifer will still contain a significant amount of water, shallow wells (such as TRC Well No. 90 and FMHS Well) may experience reduced yield or possibly go dry."*

It should be noted that the above assessment was made without considering TMV pumping. It should also be noted that the production well for the proposed Frazier Park Estates development is located near the FMHS well and is at a similar depth.

TCW

1667 Steinhoff Rd

Frazier Park

California 93225

[cwdogs@frazmtn.com](mailto:cwdogs@frazmtn.com)

[www.tcwdogs.org](http://www.tcwdogs.org)

Although the Frazier Park/Lebec Specific Plan hydrological report (Schmidt) calls for a long-term groundwater monitoring program, no such program has been undertaken. TCWD's urban water management plan reports groundwater levels 100 feet below present day levels in the Castac basin, indicating extreme swings occur with changing rainfall patterns over time. Before this project is approved a long-term groundwater monitoring must be completed in order to ensure that the water supply of present day users and those users already planned for in the Frazier Park/Lebec Specific Plan will not be diminished.

## Geologic Considerations

The lake is situated directly on top of the Garlock Fault, a short distance from the intersection of the San Andreas Fault. The EIR must assess whether a strong earthquake could trigger the release of the lake water, devastating I-5 and other down slope facilities.

A simple limnological study could reveal the effect that the great quake of 1857 had on the lake and should be conducted.

Dr. Laskowski interviewed long-time local residents regarding fluctuations in lake levels and lake water quality. Those interviews provide anecdotal evidence of a correlation between earthquake activity and lake water levels. In his investigation he found and photographed round vents in the dry lake bottom through which water flowed upward and downward. He attributed these vents to earthquake activity on the Garlock Fault. The EIR must investigate these vents and their implications for lake management.

# TriCounty Watchdogs

*...protecting mountain resources and communities  
in Kern, Los Angeles, and Ventura Counties.*

Significant surface inflow to the lake generally only occurs with high rainfall and/or snowmelt events. These inflows carry with them a significant sediment load that is gradually filling in the Castac basin. Dr. Laskowski observed 1-1/2 feet of sedimentation over a 28 year period at one location in the lake bottom. With more paved surfaces upslope than when Dr. Laskowski conducted his study it is highly likely that there is more runoff, more streambed scouring, and more sediment load in Cuddy Creek waters than in the past. Sedimentation of the lake must be evaluated in the EIR.

## Summary

The Castac basin has a number of characteristics that make it a poor location to attempt to manage a recreational lake. The lack of continuous inflow means that the lake will get stagnant and require constant aeration to maintain oxygen levels. The lake's triangular shape, its high temperatures, and high nutrient load will work against that effort and the lake will trend toward eutrophication. Eutrophication leads to algal mats, cloudy water, fish kills and stench.

The lack of continuous inflow means that salinity will be difficult to manage. High evaporation rates and lack of summer rain mean that salinity will likely increase over time. Recent above-average rainfall years have helped flush out dissolved salts but the long-term trend will be toward ever increasing lake salinity.

In addition to eutrophication, salinity, and sedimentation, managers will be faced with the constant influx of toxic trace elements in runoff from the surrounding soils and rocks.

The EIR must include a comprehensive lake management plan that details how future managers will handle the problems mentioned above. If dredging or berm building will be required, permits for those activities should be applied for now. Estimates of increasing salinity should be based on accurate evaporation measurements. The lake evaporation estimate used in the TCWD urban water management plan appears to be an underestimate and is apparently based on two measurements taken in 1999, during a period of likely upwelling from under the lake. The EIR must include accurate evaporation measurements over multiple years employing standard methodology such as Class A evaporation pans.

TCW  
1667 Steinhoff Rd  
Frazier Park  
California 93225  
[cwdogs@frazmtn.com](mailto:cwdogs@frazmtn.com)  
[www.tcwdogs.org](http://www.tcwdogs.org)



# TriCounty Watchdogs

*...protecting mountain resources and communities  
in Kern, Los Angeles, and Ventura Counties.*

Spatial and temporal modeling of dissolved oxygen, nutrients (nitrogen and phosphorous), salinity, sedimentation, and trace element concentrations in water and sediment based on real data through known climatic variance and through worst-case climatic scenarios must be done in order to understand how lake conditions will change over time.

Runoff from urban areas causes deterioration of water quality. Runoff from the planned development around the lake will compound the water quality problems and must be included in the modeling mentioned above.

## Conclusion

The selection of the Castac Basin as a location for a recreational lake is problematic at best and disastrous at worst. The long-term outlook for successful water quality management of the lake is poor. Flood damage downstream has already occurred and will likely happen again, possibly damaging I-5. Toxic trace elements pose a continuous hazard to wildlife. Use of groundwater for filling the lake to offset evaporation without a groundwater monitoring program to protect present day users could diminish supplies unexpectedly. Earthquake activity will continue to impact the lake in unpredictable ways.

There is no question that Castac Lake is a part of the Tejon Mountain Village Project. As demonstrated above, the modification of Castac Lake is a major alteration of the natural environment. With its impacts on wildlife, surface and subsurface flows, water quality, and groundwater supply the lake must be analyzed in the DEIR. Without the lake analysis the DEIR for Tejon Mountain Village is incomplete and fatally flawed.

Thank you very much for considering our views.

Sincerely,

Doug Peters  
Executive Board, TCW

TCW  
1667 Steinhoff Rd  
Frazier Park  
California 93225  
[cwdogs@frazmtn.com](mailto:cwdogs@frazmtn.com)  
[www.tcwdogs.org](http://www.tcwdogs.org)

# EXHIBIT “D”

## Comment Letter 12



State of California • The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
Tehachapi District  
43775 15<sup>th</sup> Street West  
Lancaster, CA 93534  
(661) 942-0662 • Fax (661) 942-7327

Arnold Schwarzenegger, Governor

Ruth Coleman, Director

July 13, 2009

Craig M. Murphy  
Supervising Planner  
Kern County Planning Department  
2700 M Street, Suite 100  
Bakersfield CA 93301-2307

RE: Tejon Mountain Village by TMV, LLC  
Draft Environmental Impact Report (DEIR) SCH # 2005101018

Dear Mr. Murphy:

The Tehachapi District of the Department of Parks and Recreation (State Parks) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Tejon Mountain Village by TMV, LLC, SCH # 2005101018.

State Parks is a State Agency as defined by the California Environmental Quality Act (CEQA) § 21082.1, a Trustee Agency as used by CEQA, its Guidelines and as defined by CCR § 15386 for the resources affected by this proposed project. Our mission is to provide for the health, inspiration, and education of the people of California by helping preserve the state's extraordinary biodiversity, protecting its most valued natural and cultural resources, and creating opportunities for high quality outdoor recreation.

12-A

As the office responsible for the stewardship of Fort Tejon State Historic Park, we have an interest and concern about contemplated alterations of land use adjacent to the park. The long-term health of the Fort Tejon State Historic Park is dependent on the health of the regional ecosystems because the biotic boundaries of the park extend beyond its jurisdictional boundaries.

We wish to begin by complementing the project applicant for entering into a Conservation and Use Agreement (Ranchwide Agreement) with Audubon California, the Endangered Habitats League, Natural Resources Defense Council, Planning and Conservation League, and Sierra Club (known collectively as the Resources Groups) and the newly formed Tejon Ranch Conservancy (Conservancy) for the permanent protection over approximately 90% of the 270,000 acre Ranch. We applauded their effort to permanently protect open space. State Parks looks forward to developing a close cooperative working relationship with the Tejon Ranch Company and the Tejon Ranch Conservancy in the creation of a new State Park within the conserved lands. Through careful planning and open communication, it is my belief that each entity can become a tremendous asset to the other.

12-B

GENERAL COMMENTS

The protected public lands of Fort Tejon State Historic Park represent a tremendous public investment in the protection and preservation of both cultural and natural resources. Million dollars has been invested to date at Fort Tejon State Historic Park to protect and interpret the cultural history of a pre-civil war United States Army Fort. Countless numbers of volunteer hours from community groups and individuals have been and continue to be dedicated in interpreting this priceless area to the thousands of people that visit this park annually.

12-C

## Comment Letter 12, Cont.

Craig M. Murphy  
Tejon Mountain Village by TMV, LLC  
July 13, 2009  
Page 2 of 3

The effort to preserve this outstanding example of historic culture has generated tremendous support. Supporters include conservation and other grass roots groups, local government, state and federal agencies, and state and federal legislators.

12-C cont.

As described in the DEIR, the project site encompasses approximately 26, 417 acres in southern Kern County. The project involves entitlements that would allow for the development of up to 3,450 residential units, 160,000 square feet of commercial development, 750 hotel/resort lodging units, two 18 hole golf courses and additional support facilities. State Parks is concerned that the project may result in impacts to Fort Tejon State Historic Park.

12-D

### AESTHETICS AND VISUAL RESOURCES

- We are concerned that the project will impact the landscape surrounding Fort Tejon State Historic Park, which benefits from the scenic viewshed surrounding the park. The proposed development of this project will alter the natural terrain that provides the setting for the historic fort, instead introducing elements of an urban landscape. Through grading, the mountainous viewshed east of the park will be transformed, forever changing the views that visitors see. These impacts are not adequately assessed in the EIR, which should be revised to include a more thorough analysis of the project's impacts to views from Fort Tejon State Historic Park and to the park's historic setting. Mitigation measures such as screening and/or re-vegetation need to be implemented to minimize those impacts.
- We ask that only native species be used for screening and re-vegetation in those areas. We also request that plant seeds and propagules be of local provenance.

12-E

12-F

### CULTURAL RESOURCES

- Given the proximity of the project site to the State Historic Park and our responsibility to provide high quality education opportunities, we request that State Parks be given copies of all reports about archaeological or historic resources at the project site, and that the County ask the repository entity to cooperate with State Parks in making information and artifacts available for educational programs

12-G

### HYDROLOGY AND WATER QUALITY

- The proposed project has the potential to affect stormwater runoff and flooding at Grapevine Creek, which flows through the state historic park and receives runoff from Castac Lake. Because the lake is already managed to maintain high water surface elevations, stormwater runs rapidly off it and into the creek, increasing flooding and bank erosion hazards where the creek flows through the state historic park. The Park has been identified by the Federal Emergency Management Agency (FEMA) as a flood risk zone.

12-H

**Comment Letter 12, Cont.**

Craig M. Murphy  
Tejon Mountain Village by TMV, LLC  
July 13, 2009  
Page 3 of 3

- Stormwater runoff from the project's impervious and landscaped areas, including common areas, private homes, and other on-site facilities, could affect runoff volumes and increase flooding and erosion within Grapevine Creek, risking significant, adverse impacts to Fort Tejon State Historic Park. These impacts are not adequately assessed in the EIR, which should be revised to include a more thorough analysis of the project's impacts on stormwater discharges to Grapevine Creek. We recommend that the Lead Agency and the Project Proponent coordinate with State Parks to determine proper mitigation for this impact.
- The increases in runoff from the proposed project also has the potential to affect sensitive habitat and riparian areas within Grapevine Creek, which harbors a variety of valuable wildlife and plant species. We recommend that a monitoring program be established to detect and remedy adverse impacts to water quality in the receiving water and to all species found in those aquatic systems as a result from runoff or flooding. Every effort should be made to divert stormwater runoff away from this blue-line stream.

12-I

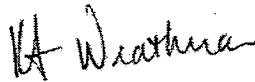
12-J

12-K

Once again, we appreciate the opportunity to comment on the proposed project. As we have outlined in our comments, there are a number of potentially significant issues related to Fort Tejon State Historic Park. The State Historic Park is an irreplaceable and priceless asset to the people of the State, the County of Kern and surrounding communities. It is important that all land use decisions adjacent to Fort Tejon State Historic Park be compatible with the preservation of the tremendous resources found there. For further discussion, please feel free to contact me or Russ Dingman, Associate Environmental Planner, at (661) 726-1672.

12-L

Sincerely,



Kathy Weatherman  
District Superintendent

cc: Ruth Coleman, Director  
Michael Harris, Chief Deputy Director  
Tony Perez, Deputy Director – Park Operations  
Dan Ray, Chief Planning Division  
Rick Rayburn, Chief Natural Resources

# EXHIBIT “E”

## Comment Letter 22a

## Office Memorandum

KERN COUNTY

To: Planning Department  
Attn: Craig Murphy

July 15, 2009

From: Engineering & Survey Services Dept.  
Floodplain Management Section  
Aaron Leicht

Phone: 862-5093

Subject: Comments on Tejon Mountain Village Special Planning District Plan

Sheet 1

- Under General Notes, drainage (item #15) is noted to be handled by Kern County Flood Control. Based on information contained in the Draft EIR it appears that the applicant will provide a Property Owners Association or a Community Services District to maintain drainage facilities. Also, Kern County does not have a Flood Control District or Department.
- Deviation from K.C. Hillside development Ordinance Section 19.88. The citation for the K.C. Grading Code is incorrect. It should read 17.28.
- The Special Plan requests **deviation from Section 17.48.330 of the K.C. Floodplain Management Ordinance**. Specifically, the deviation is a request to allow encroachment of High Hazard Areas if there is no increased flood risk. High Hazard Areas are well defined watercourses and overflow channels found on alluvial fans. Encroachment of these areas is prohibited under current regulations since obstructions placed within an alluvial channel tend to result in an avulsion or the redirection of the water out of the existing channel into another flow path. This by itself can be interpreted as an increased flood risk since the probability of flooding downstream of the obstruction is changed (re-increased). **This Department recommends denial** of this deviation from the Ordinance.
- **Deviation from K.C. Development Standards Section 406-2.01** is requested for culverts which include a water quality or storage component and for culverts which outlet from detention basins. Water quality and storage components affects can be said to exist for any culvert since mitigation of erosion is always a primary concern in their design. This Department also already allows for additional headwater in the design of the outlet pipe for detention basins. **This Department recommends denial** of this deviation from the Standards.
- **Deviation from K.C. Development Standards Section 410-1 and 410-2.01** is requested. These sections specify that constructed channels are to be designed to handle runoff from the CSDD with 1.0' of freeboard. The requested deviation does not provide an alternate storm event to be used in the design of the channel nor addresses an alternate freeboard. This leaves the design of such facilities ambiguous and decisions regarding their design

22a-A

22a-B

22a-C

22a-D

22a-E

## Comment Letter 22a, Cont.

arbitrary regardless of intended use. **This Department recommends denial** of this deviation from the Standards unless specific design criteria are provided addressing frequency and use of facility.

22a-E Cont.

- **Deviation from K.C. Development Standards Section 410.6** is requested to exempt the project from the construction of chain link fencing along constructed channels. The request indicated fencing will be constructed in accordance with TMV Design Guidelines (Appendix B) and Frame Work Resource Management Plan (Appendix C). As currently written, granting this deviation would mean that no fencing would be required for constructed channels since the cited documents only relate to the aesthetic nature of fencing and not when fencing is needed. **This Department recommends denial** of this deviation from the Standards unless the request is revised to specify when safety fencing is required.
- **Deviation from K.C. Development Standards Section 410-7**, Channel Right of Way requirements has been requested. The request states that the facilities are privately owned and maintained and are to be designed in accordance with Sheet 4 of the TMV Special Planning District, the TMV Design Guidelines (Appendix B) and the TMV Frame Work Resource Management Plan (Appendix C). Like public maintenance entities, private maintenance entities need the right to enter and maintain the constructed facility. None of the documents cited provide guidance for establishing width of R/W for a constructed channel. This leaves decision of how much R/W is required arbitrary. **This Department recommends denial** of this deviation from the Standards unless it is revised to provide minimum R/W requirements.
- **Deviation from K.C. Development Standards Sections 411-6 and 411-7** has been requested. These sections deal with fencing and R/W for levees. Again, the cited design documents provide no guidance for when fencing is needed or how much R/W is required. **This Department recommends denial** of this deviation from the Standards unless it is revised to provide minimum safety design and R/W requirements.

22a-F

22a-G

22a-H

### Sheet 4 - Infrastructure Development Standards

- Drainage Section – Culvert requirements should be specified as being applicable to private roads and not those maintained by the County of Kern.
- Grading Section – Citation of Grading Code Section needs to be corrected to 17.28

22a-I

22a-J



## Comment Letter 22b

8/7/09 10:37 6618620601

PLANNING

PAGE 62/64

## Office Memorandum

KERN COUNTY

To: Planning Department  
Attn: Craig Murphy

July 28, 2009

From: Engineering & Survey Services Dept.  
Floodplain Management Section  
Aaron Leicht

Phone: 862-5093

Subject: Draft EIR Tejon Mountain Village

The proposed project will increase the amount of impervious area in the watershed tributary to Castac Lake. The project proponent proposes to manage onsite runoff using a combination of retention and detention facilities. Detention of on-site flows is intended to mitigate the peak flow rate while retention will mitigate volume. In responding to the CEQA check list questions the hydrologic analysis prepared by Stantec, Inc. indicates there will be no substantial increase in the amount of runoff, either peak flow rate or volume, seen by downstream properties. The basis of their conclusion stems from mitigation noted above, road and culvert modifications around the lake and the assumption that the current lake level is representative of normal hydrologic conditions.

22b-A

During the Notice of Preparation of the EIR for Tejon Mountain Village, this Department commented that the project should consider the potential flooding impacts to properties downstream of Castac Lake (memo from FPM to C. Casdorff 11/15/2005). Our concern was that the artificial maintenance of the lake level via ground water pumping has significantly reduced the available flood routing storage capacity of the lake thus potentially increasing flooding on downstream properties. In Stantec's report, the hydrologic models routed the flood hydrographs through the lake based on an existing condition assumption after the lake level management plan was put into place. This assumption however does not represent the historic water surface of the lake. Prior to the lake level management practices by the land owner (a member of Tejon Mountain Village, LLC) the water surface of the lake would fluctuate based on seasonal runoff. When dry, the lake had the ability to store the runoff from large storm events without reaching the point where by water would reach the spill point and flow down stream. Since the lake is now maintained at a certain level, that storage volume is no longer available. This project will generate additional runoff reaching the lake. This results in water flowing out of the lake and onto downstream properties more frequently. We believe this represents a significant environmental impact.

22b-B

22b-C

Subsequent to compiling the comments for the NOP, Castac Lake was removed from the Project description (DEIR 2.4.2) as being a part of the TMV project. However, this Department believes that because this project will generate increased runoff, and thereby increase the potential for increased flooding downstream, particularly after the lake level management plan was implemented, the TMV project will create significant impacts.

22b-D

22b-E

File Location

Program: \_\_\_\_\_ Section: \_\_\_\_\_

Agency: \_\_\_\_\_

Facility: \_\_\_\_\_

Address: \_\_\_\_\_

County: \_\_\_\_\_ WCID #: \_\_\_\_\_